

Abstract

The discourse on the legal concept of genocide as an international crime and its catastrophic consequences in international law is a relatively recent development. However, the discourse as to whether people have been committing acts of genocide is as old as humankind. The purpose of criminalizing acts of genocide is aimed at protecting and preserving certain groups from total decimation or arbitrary elimination. Genocide has been restyled the crime of crimes or the supreme crime because of its catastrophic dimension and nature. This paper seeks to examine the dynamic conceptualization, the classical component and the analytical anatomy of the crime of genocide as well as provides a methodological perusal of the elements of the crime. This paper submits that the existence of a crime of genocide involves a consolidated catastrophic act and intent. It is this combined effect that crystallizes and forms the required intent to destroy a protected group. In other words, the mere import of a person's intendment, by way of committing one of the fundamental offences which can be classified as the destruction of a group should not be considered as a true reflection and interpretation of the legal meaning of a genocidal intent and purpose. Any other type of interpretation is absolutely in contradistinction to the intuitive definition ascribed to the various categories of protected persons or groups. Therefore, care must be taken not to mistake the crime of genocide for an unquantified violation of gigantic human rights which is based on a discriminatory motive. Attempts to intellectually expand and deeply broaden the meaning of the words 'intent, destroy, and part' have possibly led to the over-explication of the definition of the crime of genocide. This paper recommends that the word 'intent' will suggest that those who commit such unauthorized act have the mind to carry out a plot that targets members of a secured group with the primary aim of eradicating that group completely or in high proportion.

Keywords: Genocide, Crime, Consequences, International Law

1. Introduction

Under international criminal law, it was only as recent as 1994 that the word 'genocide' was formulated by the Polish jurist Raphael Lemkin who later became a foremost crusader in the international criminalization of genocide.¹ It was United Nations Economic and Social Council that was instructed to formulate a draft statute on the crime of genocide in line with its resolution 96(1). The early drafts submitted by the secretary general of the United Nations and one ad Hoc Committee of the economic and social council reflected the general concept recommended by *Lemkin*. It was the Committee's work that led to the formation of the Convention on the prevention and punishment of the crime of Genocide on the 9th of December, 1948, generally known as the Genocide convention.² The first international conviction for genocide was delivered on 2nd of September, 1998 by the International Criminal Tribunal for Rwanda in the Case of the *Prosecutor v. Akayesu*.³ One core development was that article II of the Genocide Convention was transported into article 6 of the ICC Statute verbatim.

One thing that makes the crime of genocide distinctive and outstanding is the fact that its element requires that the crime be committed with the intention to exterminate, either completely or in proportion, a group that has a racial or religious inclination.⁴ The special denouncement and denunciation that accompanied those convicted for the crime of genocide were alarming, which also led to the international criminalization of genocide which was the gory fact that ten million persons were brutally massacred by the German Nazis on the basis of their place of origin, ethnicity and religious belief.⁵ The fact that this kind of public disapproval continues to prevail even in the recent horrible situations in Sudan (Darfur) and many other places only goes to show the continued condemnation of the crime of genocide by the international community.

2. Analyzing the Crime of genocide under International Law

It is no longer in doubt that the crime of genocide is conterminous with general customary international law as well as the subject of an international legal prohibition imposed on states.⁶ This is clearly seen in resolution 96 (I) and the relevant provisions of the Genocide convention. The International Court of Justice sometime in 1951 pronounced the proscription of genocide as customary in character.⁷ The landmark judgement by the International Court of Justice in 2007 in the case

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¹ Numus Lasky, 'The Crime of Genocide and International Criminal Law: A General Analysis', *Munny Journal of International Law and Policy*, (1) (6) (2009) 88

² which entered into force on 12 January 1951.

³ *The Prosecutor v. Jean-Paul Akayesu*, ICTR-96-4-T, 1998

⁴ Florida Fournet and Clotilde Plumys, 'Only One Step Away from the Crime of Genocide: Slowing down on Crime of Persecution in International Criminal Law', *International Law Journal*, (9) (5) (2018) 76

⁵ *Ibid*, 86

⁶ Caro Audy, and Marissable Skorica, 'The Crime of Genocide in the Case of International Criminal Tribunals', *Journal of Eastern Metropolitan Law*, (58) (8) (2009) 87

⁷ Andrew Koffi and Trump Longman, 'Genocide as a Crime in International Law' *Istabal Law Journal*, (42) (74) (2018) 65

that has to do with the application of the convention on the prevention and punishment of the Crime of Genocide which again shows the import and implication of the crime of genocide and the responsibility placed on states.⁸ The responsibility includes obligating states to prevent acts of genocide in all its ramifications.

Linking Crimes Against Humanity with Genocide

One clear distinction between genocide and war crimes is that the latter crime necessitates and entails the existence of an armed conflict.⁹ Moreso, while the crime of genocide typically falls under the category of systemic criminality; the same is not true for war crimes. However, this does not mean that genocide may not be perpetrated within the circumstances and milieu of an armed conflict.¹⁰ In other words, if the aim of a military intention is to wipe out civilians on a massive scale, the threshold to genocide will be fulfilled where the civilians targeted are part of a group protected by the rule against genocide and if members of the group concerned are equally the target. Article 7 of the ICC Statute determines the correlation between the crime of genocide and the crime against humanity. A connotative analysis and interpretation suggest that the interconnection between the crimes of genocide and crime against humanity is one that reciprocates each other.¹¹ One major difference between both crimes is that crimes against humanity primarily violate individual rights, while the crime of genocide violates group rights. It is still a developing conversation as to whether a conviction for genocide should subsume or encompass a crime against humanity. Many jurisdictions have their laws fixed to mean that any conviction for genocide should subsume a crime against humanity.¹²

Analyzing the contextual import of the crime of genocide

It is now trite that going by the rule against genocide, just one person is not capable of destroying one of the groups protected, whether completely or in high proportion.¹³ The occurrence of a crime of genocide thus involves a collaborative activity or effort aimed at achieving a catastrophic and calamitous goal. In other words, the general motive and intent for any act of genocide are to show a well-arranged plan of different actions which are aimed at the annihilation of fundamental foundations of the life of national groups, with the sole motive of destroying the groups themselves. The individual act which is the reason for a conviction of genocide is thus naturally part of organized criminality.¹⁴ It is on the basis of this that many bodies and panels have taken time to enquire into whether or not there is a genocidal intent against a group in part or a whole in any allegation of any act of genocide. This was what the *ICTR* Chambers concerned themselves with from the beginning on the question of whether or not there was a genocidal destruction in Rwanda in 1994.¹⁵

Notwithstanding the above, the definition of the crime of genocide does not obviously show this distinguishing reciprocity and relationship between a collective act and an act by an individual. There is no objective measure to determine the contextual element of the collective action. This is in addition to the fact that the definition does not contain any special intent requirement which suggests any collective activity.¹⁶

It is the interpretation of the concept of genocidal intent that can conveniently reconcile the elements of crimes with the definition of the crime as contained in the ICC.¹⁷ This intent must be pragmatic and must therefore be taken to require more than a pious hope. What this means is that there must be a crystal-clear genocidal campaign as the main reason for the attack on a protected group or any civilian population.

3. Evidential Components

This part of the work discusses the following issues, viz: those who are accused to have committed acts of genocide; groups protected by law; national and ethnical acts, and racial and religious acts. The first issue is about those who are accused to have committed acts of genocide. The crime of genocide can be committed by even a member of the targeted

⁸ <https://www.icj-cij.org/case/judgments> Accessed 30/3/2024

⁹ Vikramaditya Pandey and Limpa Kinsley, 'Genocide: One of the Greatest Crime under International Law', *International Human Rights Journal*, (39) (18) (2019) 63

¹⁰ Tatiana Synold and Clinton Jones, 'Criminalization of Genocide as a crime against humanity in International Law', *Journal of Eastern Luump Law*, (39) (17) (2015) 26

¹¹ Jeffrey Mortoni and Augustine Thomas, 'The Crime of Genocide and International Legal Adjudication' *Dambar Journal of International and Comparative Law*, (9) (7) (2013) 37

¹² Ronald Timmons and Michael George, 'The Crime of Genocide under International law and Politics' *International Journal of Law*, (36) (3) (2019) 67

¹³ Christina Francis and Andrew Coleman, 'Varied definitions of Genocide, meaning and the Ultimate Crime', *Human Rights Journal*, (38) (3) (2018) 29

¹⁴ Raphael Rodney, 'The Evolving Nature of the Crime of Genocide' *John Marshall international Law Journal*, (38) (4) (2008) 31

¹⁵ England Newton and Cynthia Warren, 'Genocide, Law and Power', *Journal of Comparative International Law*, (2) (1) (2008) 75

¹⁶ Newton and Warren, *Op Cit*, 53

¹⁷ Mark Findlay, 'Extrapolating the crime of Genocide with the Impact of Judicial Intervention', *Journal of International Criminal Law*, (13) (1) (2013) 97

group.¹⁸ For the crime of genocide to be committed, it is not compulsory for such a person to be holding any key position in the State. This is because the crime of genocide is not a leadership crime. The forbidden acts can be formulated and committed by even subordinates or servants. The second issue has to do with groups protected by the law. In the definition of the crime of genocide, only a few protected groups were recognized and accepted¹⁹. This list of protected groups excluded political groups even though some states have some deviations or other dimensions to it. The definition and interpretation of the attributes of these protected groups and whether or not they should be based on objective or subjective methods are controversial. However, the general view is that the definition of these protected groups should not be left in the hands of the perpetrators of the crime of genocide.²⁰ Perpetrators of the crime of genocide are capable of giving such a definition a convoluted or selfless proposition to favour their actions. The general interpretation of a protected group excludes any condition of the communal life of inclusion. This is in addition to the fact that members of the group must not belong together and live within one delineated domain. This means that protected groups can stay away from the enclave of a State as well as racial, national, ethnic and religious groups. This is certainly the case when racial and religious groups are talked about, but it may well be also true also for national and ethnic groups. That is why the territorial constituents should be taken as parts of the larger group in line with the meaning of the definition of genocide.

The third issue has to do with the consideration of national and ethnical groups which is part of our discussion on the concept of protected groups. The concept of a national group can be limited to the nationals of a state. There are many elements²¹ that make up the components of national or ethnic groups. It is not necessary for all the elements to be present or considered all together at a time. It suffices if one or two exist to lay the foundation for the identity of the group. In line with the definition of genocide, it is also not necessary that members of a protected national or ethnic group have the identity of the nationality of the State. What is important is that the group of persons is not only large in number but consistently and perpetually lives in the domain of the State under consideration. It is submitted that there are some groups that are not characterized by such distinctive features or considerations such as language, culture or religion.²² This brings to mind the difficult borderline cases of the concept of an ethnic group that the international community had to grapple with in the situations in Rwanda and Sudan (Darfur). The dilemma in both cases mentioned above was a concurrence between the self-perception of the targeted group and the perception of the perpetrators.²³ The fourth issue has to do with racial group consideration. This element or group does not have a generally accepted international definition. This element does not have the same meaning as the ethnic group. Many people consider this term antiquated, hazy and imprecise.²⁴ Despite the foregoing, it is important to give it some modern explication or interpretation. It suffices, therefore, to say that the most popular view is that view that racial groups consist of persons who have a common genetic origin as well as somatic characteristics.²⁵ It is this kind of peculiar definition of this group that obviously shows the susceptibility of its members. The fifth issue has to do with the consideration of religious group. The word 'religious' is given a restricted meaning in this paper. It connotes a supernatural and transcendent belief in the existence of a deity or spiritual being. This kind of belief can be in a customary religion or modern religion. A religious group is different from an atheist group.²⁶ The religious group must not be in a specific or organized manner. What is important is its continuous existence and firmness.²⁷

4. A Brief Consideration of some Elemental Offences

The following elemental offences are discussed here: Physical elimination; Causing Serious physical or mental injury and torment; Deliberately, wrecking on the Group conditions of Life meant to cause physical destruction completely or in high proportions, and devising measures aimed at preventing a group from increasing its population. The first element has to do with the physical elimination by way killing a person. Killing simply means deliberately causing the death of another person.²⁸ For the purposes of this paper, it suffices to say that it is causing the death of a member of a protected group. The second element has to do with causing serious physical or mental injury and torment to persons in a group. The term 'causing serious physical harm' is self-explanatory. What needs to be added here is the fact that the harm is hazardous and fatal to the health of a person and is capable of causing irreparable damage to the person in question. The words 'serious mental injury' even have a broader definition. These words now connote inhuman suffering, degrading

¹⁸ Fedinard Ambros and Lambert Cletus, 'The Crime of Genocide, and Questions about the Mental Elements,'. *Journal of Criminal Justice, Security Studies and Law*, (4) (17) (2019) 416

¹⁹ They include national, ethnic, racial or religious groups

²⁰ Ambros & Cletus, *Op Cit*, 54

²¹ Such as common culture, history, way of living, language or religion

²² Andrew Winifred and Aquinas Lucky, 'The Jurisprudence of the Crime of genocide in International Law', *International Criminal Law Journal*, (15) (3) (2015) 248

²³ Goliath Mark and Ahmed, 'Between Light and Darkness, A Reflection of the International law against genocide in the International Courts', *Pacetam International Law Journal*, (29) (12) (2019) 25

²⁴ *Ibid*, 18

²⁵ Mark and Ahmed, *Op Cit*. 23

²⁶ Mark and Ahmed, *Op Cit*., 29

²⁷ *Ibid*.

²⁸ See generally: <https://www.google.com/search?client=firefox-b-d&q=killing> Accessed 30/3/2024

treatment as well as the deprivation of rights of a person.²⁹ The International Criminal Court components of Crimes include acts of torment, sexual assault and violence or inhuman or degrading treatment. It is important to state that the harm inflicted must not be permanent or irremediable.³⁰ It is sufficient that a grave and long-term disadvantage to a person's ability to lead a normal and constructive life has occurred and, in this case, to a member of the protected group.

The third element has to do with deliberately wrecking on the group conditions of life meant to cause physical destruction completely or in high proportions. This is a method of destruction by which the perpetrator does not immediately kill the group members even though his action will eventually lead to their ultimate physical destruction or annihilation. Another key distinctive issue is that the destruction goes beyond one member to other members of the protected group. This prohibited act is distinct in that the described conduct must be extended beyond one member of the protected group. That is, the unauthorized act is against the group completely or high proportion. The fourth element has to do with devising measures aimed at preventing a group from increasing its population. This forbidden act connotes the biological variation of genocide that focuses on decimating the reproductive capability of the group.³¹ The acts include sexual servitude and mutilation; the practice of sterilization or infertility, compulsory birth control, separation of the sexes and prohibiting people from marrying.³² It suffices that there were attempts intended to prevent births, no matter how subjective it is. The wording suggests that at least an order has been made since the designing stage to actually ensuring the depopulation of the targeted group as well as taking steps to ensure the group does to increase its population.

Looking at the Mental components

For any conviction for the crime of genocide to be made, two distinctive mental elements must be satisfied. They include the general intent condition, which has to do with the material components and the special intent condition, which requires that the perpetrator must act with the special intent to destroy, either completely or in proportion of any protected group. The following terms will be discussed: 'destroy'; 'in part, and 'intent'. The word 'destroy' contextually speaking can be taken to mean the disbandment of the group as an organized structure or the somatic elimination of the members of the group. The elucidation attached to the word 'destroy' in this context cannot be lowered to the somatic elimination of the members of the group as it can be seen at the time of the general genocidal advancement but must go beyond all possible consequences of the general campaigns which represent a marked structure of the forbidden acts in one or two ways.³³ Attempts at expanding the concept of 'destroy' beyond mere somatic elimination make sense also from the standardized perspective because it suggests a dissimilar meaning to the word 'destroy' as regards the context of genocidal intent in contradistinction to the meaning of somatic annihilation within the context of the forbidden act.³⁴

The connotation of the words 'in part' has a straightforward interpretation. The intention of the words 'in part' may not mean outright elimination of a group from the face of the world.³⁵ It will still amount to genocide, even if it is the perpetration of one forbidden act with the intention to annihilate a mere number or even just one member of the group. This is in contradistinction to the permutation that suggests that the part must be a sizeable part of the group.³⁶ Another issue is what the word 'intent' connotes? The word 'intent' connotes a situation where the offender perpetrated the unauthorized act with the deliberate understanding to further carry out a calculated advancement which targets members of a protected group with the pragmatic aim to destroy that group completely or in proportion.³⁷ The word 'intent' can equally be considered from a goal-driven vis-a-vis awareness-driven point of view.³⁸ The question is: does it suffice that the offender is aware that the aim of a campaign is for mass eradication of the group in whole or in part³⁹ or is it sufficient that the offender has the sole intention to achieve a result that is elimination driven? A more acceptable interpretation is the view that the perpetrator of the crime of genocide needs to compulsorily have the intention, motivation, reason and inclination to eliminate Part of a protected group.⁴⁰ In other words, the offender deliberately craves and desires to carry out the unauthorized act that culminates in the elimination of the protected group in proportion or completely. It needs to

²⁹ Mark and Ahmed, *Op. Cit.*, 31

³⁰ Dressman Jovasevic, 'Looking at the Purpose of Criminal Liability and Punishment of the Crime of Genocide', (16) (12) (2019) 34

³¹ Williams Tennyson, 'The analysis of the Mental Element of the Crime of Genocide', *Ledena Journal of International Law*, (14) (!) (2011) 139

³² *Ibid*, 52

³³ Benjamin Wilson, 'The Crime of Political Genocide and the Genocide Conventions', *Lomina international Law Journal*, (16) (7) (2017) 65

³⁴ Damina Lukman, 'Crime of Genocide and International Court', *Shamam International Law Journal*, (58) (23) (2018) 358

³⁵ Jennys Brokey, 'The International and National dimensions of the Crime of Genocide' *Dominion International Criminal Law Journal*, (19) (37) (2015) 39

³⁶ Jonathan Weedy, 'The Jurisprudence of the Crime of Genocide', *Journal of International criminal Review*, (37) (4) (2009) 996

³⁷ Clarence Weby, 'The Crime of Genocide and Contextual Components: The case against the President of Sudan: Evaluation and Implications of the ICC Decision', *Journal of International Criminal Review*, (7) (2) (2017) 308

³⁸ *Ibid*, 307

³⁹ Which is the awareness point of view

⁴⁰ Weby, *Op cit*, 19

be noted that even when there is no longing to eliminate, it does not automatically exclude individual criminal responsibility.⁴¹

It is equally important to note that even when an offender does not confess or expressly state such a longing to eliminate such a conclusion can be made through inference.⁴² The foregoing is true because it is practicable to infer genocidal intention that can be seen in a specific act from the basic circumstances surrounding the commission of other acts that are designed and planned against the same group meant to find out whether these acts were perpetrated by the offender or by others. Another way to infer the intent of any act is to examine and determine the magnitude of the cruelty perpetrated as well as the basic classification and category of such acts. This is still the case, whether it is a collective intent or individual intent.⁴³ No matter what the intent is, what is important is also to hold subordinates accountable in a genocidal campaign for the crime of genocide.⁴⁴ This is certainly the ultimate intention of the drafters of the Genocide Convention. The point is that the search for genocidal intent should not be allowed to becloud the fact that genocide is still the worst crime known to humanity.⁴⁵ This simply shows how horrible and horrific the international Criminal law sees the crime of genocide.

5. Analyzing the Implication of Knowledge and Realization of the Unauthorized Act

What remains to be discussed here is whether the perpetrator must have the genocidal intent alongside the expectation of its actual realization. The argument elsewhere is that the perpetrator may have the genocidal intent but may not know that the act is actually capable of destroying in whole or in Part the protected group.⁴⁶ In other words, apart from the mental requirement, the perpetrator must know that his act would annihilate the protected group. This combination of a personal hunger and craving must exist alongside the genocidal intent and knowledge of the act that the actual act can destroy completely or in proportion of the protected group is a more acceptable view in line with international criminal law.⁴⁷ What the foregoing suggests is that the concept of genocidal intent and purpose must exclude a pious hope that a protected group may be eliminated.⁴⁸ This kind of analysis only suggest that genocidal intent must be properly examined and the right interpretation should be given to it to avoid any form of ambiguity.

6. Conclusion and Recommendations

The definition of the crime of genocide appears too hazy and it therefore calls for an amendment of the relevant proposition of the Genocide Convention. Secondly, there is certainly an urgent need to expand the definition of genocide into the domain of crime against humanity. Thirdly, care must be taken not to mistake the crime of genocide for an unquantified violation of a gigantic human right which is based on a discriminatory motive. Fourthly, the definition of the protected groups should not be left in the hands of the perpetrators of the crime of genocide. Fifthly, the search for genocidal intent should not be allowed to becloud the fact that genocide is still the worst crime known to humanity. Sixthly, there is need to revisit the discussion on why cultural genocide should be excluded from the scope of international criminalization. Seventhly, there is a need to carry out a reconfiguration and renewal of the crime of genocide and the crimes against humanity. The definition of the concept of genocide appears too hazy. There is an urgent need for an amendment to the Genocide Convention to broaden the import of genocide to make it less ambiguous.⁴⁹ Under the present definition of genocide only a few atrocities qualify as genocide under international criminal law.⁵⁰ This is another reason why there is certainly an urgent need to expand the definition of genocide into the domain of crime against humanity.⁵¹ In other words, the crime of genocide should be subsumed and assimilated into the list of crimes against humanity in line with the relevant provisions of the ICC statute. There is need to revisit the discussion on why cultural genocide should be excluded from the scope of international criminalization of genocide.⁵² This is important on the basis of international

⁴¹ Mary Pljzer, 'Analyzing the International Crime of Genocide and its criminal contents' *International Law Journal*, (3) (4) (2018) 34

⁴² Pazmino Vander and Duwen Johan, 'Prosecuting and Punishing the Crime of Genocide', *Dominican International Law Journal*, (23) (1) (2015) 319

⁴³ Renee Beres and Joram Matthew, 'International Law, Justice and the Prevention of Genocide' *American Journal of Jurisprudence*, (33) (4) (2008) 147

⁴⁴ Williamson Lawson, Miriam Vandiver and Richard Janikowski, 'Analyzing the meaning of Genocide under International Law in Criminal Justice' *Journal of Criminal Law*, (2003) (61) (25) 32

⁴⁵ Churchill Williams, 'Expanding the Genocide definition under International law' *Manillam University Law Journal*, (7) (1) (2019) 23

⁴⁶ Tesson Manson, 'The Concept of Genocide as an International Crime', *Baroga University law Journal*, (14) (17) (2018) 278

⁴⁷ Caroline Matthew, 'The concept of Massacre as a Crime of Genocide in International Law', *Pulomin Quarterly International Journal*, (13) (15) (2019) 23

⁴⁸ Benson Trust, 'The International Crime of Genocide and International Law', *South African Law Review*, (22) (8) (2007) 58

⁴⁹ 1948 United Nations convention on the prevention and punishment of the crime of genocide

⁵⁰ Lawson Blankson, 'The Relationship Between Ecocide and Genocide in International Law', *Turkish International Criminal Law, Environmental and Policy Journal*, (23) (18) (2009) 23

⁵¹ Winterbottom Cletus, 'The Subjects of the Crime of Genocide', *Law Annals from Tutus University Journal*, (15) (10) (2018) 59

⁵² Bernard King, 'The International Crime of Genocide in Societal Development', *Silion International Law journal*, (22) (1) (2005) 578

case law on ethnic cleansing, which has not found any solution as to whether or not it should be excluded or included. One thing that is certain is the fact that cultural genocide and ethnical genocide cannot be used interchangeably.⁵³ One crucial point is the need to conclude the discussion as to whether or not the definition of genocide on contextual component should be brought in line with that of crimes against humanity. Perhaps a more comprehensive overhaul would be to carry out a reconfiguration and renewal of the crime of genocide and the crimes against humanity. The argument that the intention to destroy in whole or in Part the human race does not constitute an expression of genocidal intent is misconceived and fallacious. This is because the crime of genocide is a crime of crimes and a super crime.⁵⁴ The reason for any campaign with a realistic genocidal intent is to destroy the human race and nothing more. This is in line with the general configuration of international criminal law. This is a sure way to emancipate the definition of genocide from the components of group discrimination and ensure that the intendment of the law against genocide serves the purpose of being protected against any form of destruction of any number of those groups of mankind which form the essential stanchion of world civilization and development. The crime of genocide is not only retrogressive but a barbaric international crime that needs continuous international condemnation.⁵⁵ Indeed, genocide in all its ramification is an aberration, and whoever engages in it is an enemy of societal development⁵⁶

⁵³ Lion Strawson, 'The Crime of Genocide in International Criminal Law', *Malian Journal of International Law*, (4) (1) (2016) 89

⁵⁴ *Ibid*, 118

⁵⁵ *Ibid*, 219

⁵⁶ Faith Tennyson, 'International Law and the Prevention of Genocide', *Markson International and Comparative Law Journal*, (17) (11) (2018) 48